

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13891, of James W. and Mary Ann H. Fenwick, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Sub-section 7104.2 to change a nonconforming use from carry-out shop to self-service laundry, first floor, in an R-4 District at the premises 426 15th Street, N.E., (Square 1053, Lot 81).

HEARING DATE: January 12, 1983
DECISION DATE: February 2, 1983

FINDINGS OF FACT:

1. The subject property is located on the west side of 15th Street, between Duncan and D Streets, N.E. and is known as premises 426 15th Street, N.E. It is zoned R-4.

2. The subject property is improved with a two-story and basement brick row structure. The basement level of the structure is currently operated as a carry-out/delicatessen. The first and second floors are used for apartments.

3. The operation of the existing carry-out shop pursuant to Certificate of Occupancy No. B-75106, dated November 17, 1970, was authorized by the Board in BZA Order No. 10441, dated August 21, 1970. Prior to the carry-out shop, the subject premises was used for a TV repair shop.

4. The applicant proposes to convert the existing carry-out to a self-service laundromat with twelve washing machines and twelve dryers. The applicant does not propose to change the use of the first and second floors as apartments.

5. Sub-section 7104.1 provides that a Class II nonconforming use may be changed to a use which is permitted in the most restrictive district in which the existing nonconforming use is permitted. A carry-out/delicatessen is first permitted in the C-1 District. A self-service laundry not exceeding 2,500 square feet of gross floor area is also first permitted in the C-1 District.

6. The applicant testified that the proposed self-service laundry will be a neighborhood facility, serving existing single family residences and apartments in the immediate area.

7. The applicant testified that the proposed use would not be objectionable. An attendant will be present at the facility during all hours of operation. The applicant does not believe the use will create objectionable traffic impacts as the majority of the facility's clientele will walk to the premises from the immediate neighborhood.

8. The hours of operation of the self-service laundry will be from 9:00 A.M. to 6:00 P.M., Monday through Saturday. The facility will not be open on Sunday.

9. The facility will not affect adversely the present character or future development of the neighborhood. The subject site is located across the street from a large liquor store located in a C-M-1 District. The R-4 zoned area is residential with some ground floor nonconforming commercial uses. There is a beauty shop at the corner of 15th and Duncan Streets and the structure immediately adjacent to the subject premises was once used as a dry cleaning establishment.

10. The surrounding area is essentially a residential neighborhood consisting of row dwellings used as single family homes, flats, and apartments. The structure to the immediate north of the subject site is boarded up and vacant. There are two schools, several churches and several commercial nonconforming uses scattered throughout the neighborhood.

11. The applicants do not provide any parking spaces on site. The applicant testified that there is unrestricted on-street parking available on surrounding streets. In addition, the applicant expects the majority of the clientele to arrive at the site on foot. Traffic generated by the proposed use is expected to be less than that generated by the existing carry-out use.

12. The proposed use will meet the requirement that a commercial use be in accordance with the standards for external effects established for the C-M Districts.

13. The owner of the property immediately adjacent to the subject site to the south appeared at the public hearing in opposition to the proposed self-service laundry. The grounds for the opposition were as follows: (a) The facility is not needed in the area because there is a laundromat at the corner of 18th and D Streets, N.E.; (b) The use will be more objectionable than the existing carry-out because patrons will loiter in the area while laundering their clothes; (c) The washers and dryers will create noise; (d) There is inadequate parking in the area to serve the use; (e) The installation of fans and ducts used to vent the facility will create air pollution and lint and detract from the appearance of the premises; (f) The

patrons of the existing carry-out sit on the fence separating the two properties and litter the opposition's yard and this practice will continue or worsen; and (g) A similar facility in the area was forced to close because of the illegal activities which took place on its site, such as drug use and rowdiness and the granting of the subject application will introduce the same type of activities in a predominantly residential block.

14. In rebuttal, the applicant testified that the existing ductwork and ventilation systems currently serving the carry-out will be modified to serve the laundry use. Heat and steam will be vented to the roof. Residue from the dryers will be collected in a bag attached to the duct which exits at the rear of the building towards ground level. The applicant testified that he polices the area of the carry-out daily and will continue to do so. The applicant was of the opinion that the smoke and grease currently vented from the site would be more objectionable than the exhaust from the proposed laundry use. Loitering or illegal activities would be discouraged due to the presence of an attendant at all times the facility is in operation. The Board finds that the measures to be taken by the applicant will substantially ameliorate the potential adverse effects feared by the opposition.

15. The Office of Planning and Development, by memo dated December 27, 1982, recommended that the subject application be approved with the condition that no neon or gas tube display be located on the outside of the building or visible from the outside of the building. The OPD concluded that the applicant had satisfied the criteria of Sub-section 7104.2 and Section 7109 of the Zoning Regulations. The Board concurs.

16. Advisory Neighborhood Commission 6A made no recommendation on the subject application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception, the granting of which requires compliance with the Sub-section 7104.2 and Section 7109 of the Zoning Regulations. The Board concludes that the applicant has demonstrated substantial compliance with those provisions.

The Board concludes that the proposed use is first permitted in the most restrictive district in which the existing nonconforming use is permitted. The proposed use is a neighborhood facility. As conditioned herein, the proposed use will not be objectionable because of noise, traffic or other objectionable conditions. The proposed use will not adversely affect the present character or future

development of the area. The proposed use shall comply with the standards of external effects established for a C-M District. The arrangement, design and architectural features of the structure is generally in harmony with the character of uses and structures in the immediate area.

The Board further concludes that, as conditioned below, the relief sought can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.


Accordingly, it is ORDERED that the application is GRANTED, SUBJECT to the following CONDITIONS:

- a. The hours of operation shall not exceed from 9 A.M. to 6 P.M., Monday through Saturday.
- b. There shall be an attendant present during all hours of operation.
- c. There shall be no illuminated signs to advertise the use.
- d. There shall be no dry cleaning machines on the premises.

VOTE: 4-0 (John G. Parsons, Douglas J. Patton, William F. McIntosh and Charles R. Norris to grant; Carrie L. Thornhill not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: MAY 23 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.